

## IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 09-0688

IN RE THE RULES OF PROFESSIONAL  
CONDUCT

O R D E R

At the suggestion of the Center for Professional Responsibility Policy Implementation Committee of the American Bar Association, the Court is considering adopting a new paragraph (g) to Rule 8.4 of the Montana Rules of Professional Conduct. The new paragraph has been adopted as an amendment to the ABA Model Rules of Professional Conduct. New paragraph 8.4(g) would provide that it is professional misconduct for a lawyer to

engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

IT IS ORDERED that the Court will accept public comment on the above proposed new Rule 8.4(g) of the Montana Rules of Professional Conduct. Comments must be filed in writing with the Clerk of this Court on or before December 9, 2016.

This Order shall be published on the Montana Supreme Court website, and the State Bar of Montana is asked to publish notice of this Order on its website and in the next available issue of the *Montana Lawyer*.

The Clerk is directed to provide copies of this Order to the Montana State Law Library, the State Bar of Montana, and the Chair of the State Bar's Ethics Committee.

Dated this 26th day of October, 2016.

For the Court,

/S/ MIKE McGRATH